



## REMARKS

Further to their submission on August 24, 2005, Appellant requests to withdraw appeal as to the claims on appeal, claims 12-13 and 40.

Pursuant to MPEP 1215.02, since this application contains allowed claims, (1-11, 39 and 41-47), the withdrawal of the appeal does not operate as an abandonment of the application, but is considered a withdrawal of the appeal as to the appealed claims and authority to the examiner to cancel the same.

Appellant respectfully submits that after the cancellation of the appealed claims (12-13 and 40), this application is in condition for allowance and such allowance is requested.

The examiner is invited to contact the undersigned attorney at (512) 536-3184 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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bcc: Larry J. Kennedy, (w/encl.)